

ORDINANCE NO. 44-2024

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-76, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 20-2003, as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 22nd day of August, 2024.

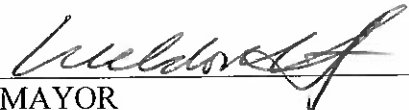
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of July, 2024, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 12th day of September, 2024, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 12th day of September, 2024.

ATTEST:

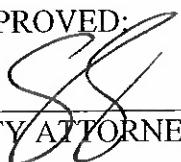


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



EXHIBIT A

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Legal Description.

The east 40 acres of 85.4 acres lying West of U.S. Hwy 277 out of the South 140 acres of the East 300 acres of the J.H. Beck Survey No. 42, Taylor County, Texas, and being more particularly described as follows:

Beginning at an iron pin in the West R/W line of U.S. Hwy 277 at the Northeast corner of a 1.5 acre tract, whence the Southeast corner of said Survey bears S 37°44'W 313' and East 2669.6';

Thence West 263.3' to an iron pin, the Northwest corner of said 1.5 acre tract;

Thence S 37°44'W 313.0' to an old iron pin, the Southwest corner of said 1.5 acre tract in the South line of said Beck Survey;

Thence West, along the South line of said Beck Survey, at 2295.7' pass an iron pin set in the East fence line of a public road, and continue on for a total distance of 2315.7';

Thence N0°06'W 1240' along the North line of the South 140 acres of said Beck Survey;

Thence N89°56'E, at 20' pass an iron pin in the East fence line of said public road, and continue on along the old fence line for a total distance of 3537.3' to the West R/W line of U.S. Hwy 277;

Thence S37°44'W 1249.4' to the place of beginning and containing 85.4 acres more or less.

The west 45.4 acres of 85.4 acres lying West of U.S. Hwy 277 out of the South 140 acres of the East 300 acres of the J.H. Beck Survey No. 42, Taylor County, Texas, and being more particularly described as follows:

Beginning at an iron pin in the West R/W line of U.S. Hwy 277 at the Northeast corner of a 1.5 acre tract, whence the Southeast corner of said Survey bears S 37°44'W 313' and East. 2669. 6';

Thence West 263.3' to an iron pin, the Northwest corner of said 1.5 acre tract;

Thence S 37°44'W 313.0' to an old iron pin, the Southwest corner of said 1.5 acre tract in the South line of said Beck Survey;

Thence West, along the South line of said Beck Survey, at 2295.7' pass an iron pin set in the East fence line of a public road, and continue on for a total distance of 2315.7';

Thence N0°06'W 1240' along the North line of the South 140 acres of said Beck Survey;

Thence N89°56'E, at 20' pass an iron pin in the East fence line of said public road, and continue on along the old fence line for a total distance of 3537.3' to the West R/W line of U.S. Hwy 277;

Thence S37°44'W 1249.4' to the place of beginning and containing 85.4 acres more or less.

Located at: 5426 Hwy 277 S

Being 23.617 acres out of the W. Bishop Survey No. 45, Abstract No. 18, Taylor County, Texas, said 23.617 acres being all of a 2.23 acre tract recorded as Tract 2 in Volume 1105, Page 763, Deed Records, Taylor County, Texas, all of an 1.16 acre tract recorded in Volume 1105, Page 756, Deed Records, Taylor County, Texas, part of an 11.16 acre tract recorded in Volume 1105, Page 751, Deed Records, Taylor County, Texas and being more particularly described as follows:

Beginning at a ½' rebar found on the east side of Bishop Drive (right-of-way varies) on the NBL of said Survey No. 43 and the SBL of Lot 102 of a replat of Medical Plaza Subdivision, as shown by plat recorded in Cabinet 2, Slide 356-B, Plat Records, Taylor County, Texas at the northwest corner of said 2.23 acre tract for the northwest corner of this tract, whence the northwest corner of said Survey No. 43 is recorded to bear west 2273.3 feet;

Thence S89°05'22"E 1164.55 feet, along the NBL of said Survey No. 43, to a ½" rebar found at the northeast corner of said 11.16 acre tract (1105/756 D.R.) and the northwest corner of said 11.16 acre tract (1105/751 D.R.);

Thence S89°06'35"E 1067.84 feet. along the NBL of said Survey No. 43. to an aluminum monument found at the southeast corner of Lot 104 of said replat;

Thence S89°05'14"E 263.21 feet, along the NBL of said Survey No. 43, to a 3/8" rebar set on the WBL of U.S. Highway 277 (100 foot right-of-way) at the northeast corner of said 11.16 acre tract (1105/751 D.R.) for the northeast corner of this tract, whence an existing concrete highway monument bears N38°34'28"E 69.39 feet;

Thence S 38°34'28"W 199.17 feet along the WBL of U.S. Highway 277 to a ½" rebar found on the EBL of said 11.16 acre tract (1105/751 D.R.) at the northeast corner of a .214 acre tract recorded in Instrument No. 2021-4126, Official Public Records, Taylor County, Texas for the most easterly southeast corner of this tract;

Thence N89°05'11"W 322.93 feet to a 1/2" rebar found at the northwest corner of said 0.214 acre tract for an interior corner of this tract;

Thence S0°48'46"W 3005' feet to a 1/2" rebar found at the southwest corner of said 0.214 acre tract and the northeast corner of a 0.494 acre tract recorded in Instrument No. 2018-21097, Official Public Records, Taylor County, Texas for an interior corner of this tract;

Thence N89°03'41"W 175.13 feet to a 1/2" rebar found at the northwest corner of said 0.494 acre tract for an interior corner of this tract;

Thence S0°50'08"W 122.99 Feet to a 1/2" rebar found at the southwest corner of said 0.494 acre tract and the northeast corner of a 0.133 acre tract recorded in Instrument No. 2017-7627, Official Public Records, Taylor County, Texas for an interior corner of this tract;

Thence N88°53'17"W 30.03 feet to a 1/2" rebar found at the northwest corner of said 0.133 acre tract for an interior corner of this tract;

Thence S0°58'31"W 193.21 feet to a 3/8' rebar found on the SBL of said 11.16 acre tract (1105/751 D.R.) at the southwest corner of said 0.133 acre tract for the most southerly southeast corner of this tract;

Thence N88°47'36"W 684.58 feet to a 1/2" rebar found at the southeast corner of said 11.16 acre tract (1105/756 D.R.) and the southwest corner of said 11.16 acre tract (1105/751 D.R.);

Thence N89°05'22"W 1161.23 feet to a 3/8" rebar set on the east side of Bishop Drive at the southwest corner of said 2.23 acre tract for the southwest corner of this tract;

Thence N0°54'38"E 499.80' feet along the east side of Bishop Drive and the WBL of said 2.23 acre tract to the place of beginning and containing 23.617 acres of land

PART 5: Purpose. The purpose of the Planned Development District-76 (PDD-76) is to allow for medical, commercial, single-family residential, and medium density residential development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 6: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

TRACT 1: All areas in PDD-76 within 600 feet of US 277 excluding the south 153 feet as shown in "Exhibit B"

Permitted Uses:

- Restaurant (Standard and Fast Food)
- Dry Cleaning
- Pharmacy
- Offices (including medical)
- Hotel/Motel
- Convenience Store Video Rental
- Health/Physical Fitness Facility (including physical rehab facility)
- Medical/Dental Office and Lab
- Optical Shop
- Surgical Center (outpatient only) Wellness Center
- Bank/Credit Union
- Beauty and Barber services
- Veterinary Service (small animals only) Book Store
- Clothing store Flower Shop Gift Shop
- Liquor Store Off-premise Consumption (beer & wine only) Office Supply Store

Setback Requirements:

- Along US 277: 40 feet
- Along Other Streets: 30 feet
- Adjacent to RS zoning: 40 feet
- Interior Sides: 10 feet

Rear: 15 feet Maximum Height: 3 stories

Driveways:

- Driveways shall be separated from adjacent driveways by a minimum of 50 feet for driveways on different parcels and 100 feet for driveways on the same parcel.
- Driveways shall be located from interior side and rear property lines by a minimum of 25 feet, except for shared driveways.
- Driveways shall be separated from adjacent street intersections as follows:
 1. For driveways onto US 277:
 - a. 100 feet from intersecting streets classified as collectors
 - b. 50 feet from other intersecting streets
 2. For driveways onto collector streets:
 - a. 100 feet from US 277
 - b. 50 feet from other intersecting streets
- A maximum of six driveways shall be allowed to access US 277.
- Driveways shall meet all other design standards of the City of Abilene and the Texas Department of Transportation

Free-standing Signs:

One per lot (as an individual sign or part of a group sign)

Multiple businesses on the same lot must share a group sign

Minimum setback from all lot lines: 10 feet

Maximum height: 30 feet

Maximum area: 150 square feet, unless shared by more than one business, in which case the sign may be up to 300 square feet

Wall Signs:

May not cover more than 20% of the wall on which the sign(s) are located

Prohibited Signs: Off-site Advertising and Portable Signs

Screening:

Opaque screening shall be required along all residential and AO zoning districts. The required screening shall be constructed of wood, masonry, live plant material or a combination thereof. The screening must be a minimum of six feet in height.

Landscaping:

- A minimum 20' landscape strip shall be required along all property lines adjacent to residential zoning
- A minimum 10' landscaped strip shall be required along all street right-of-way. Sidewalks and driveways shall be permitted to pass through this buffer.
- Parking lots of greater than 20 spaces shall have landscaped islands at locations agreeable to the City of Abilene.
- Additional landscaping shall be provided in a manner to be agreed upon between the City of Abilene and the developer through the Site Plan Review process or its successor entity. If agreement cannot be reached, the developer may apply for a formal PDD amendment.

TRACT 2: The remainder of PDD-76, excluding the south 500 feet, and lots 201, 202, and 203, Block C, Medical Plaza Subdivision, Lot 3 Block B, Medical Plaza Subdivision, and lot 102, Block A Medical Plaza Subdivision as shown in "Exhibit B".

Permitted Uses:

Offices (including medical)

Medical/Dental Office and Lab

Optical Shop

Surgical Center (outpatient only)

Pharmacy

Health/Physical Fitness Facility (including physical rehab facility)

Wellness Center

Nursing Home

Assisted Living

Setback Requirements:

Along Streets: 30 feet

Adjacent to RS zoning: 30 feet

Interior sides: 10 feet

Rear: 15 feet

Maximum Height: 2 stories

Driveways:

- Driveways shall be separated from adjacent driveways by a minimum of 50 feet for driveways on different parcels and 100 feet for driveways on the same parcel.
- Driveways shall be located from interior side and rear property lines by a minimum of 25 feet, except for shared driveways.
- Driveways shall be separated from adjacent street intersections as follows:
 1. For driveways onto collector streets:
 - a 100 feet from intersecting streets classified as collectors
 - b 50 feet from other intersecting streets
 2. For driveways onto other streets:
 - a 100 feet from collector streets
 - b 50 feet from other intersecting streets
- Driveways shall meet all other design standards of the City of Abilene
- The alley along the north boundary shall not be used for access.

Free-standing Signs:

- One per lot (as an individual sign or part of a group sign)
- Multiple businesses on the same lot must share a group sign
- Must be a monument-type sign
- Minimum setback from all lot lines: 10 feet
- Maximum height: 10 feet
- Maximum area: 80 square feet, unless shared by more than one business, in which case the sign may be up to 175 square feet

Wall Signs:

May not cover more than 20% of the wall on which the sign(s) are located.

Prohibited Signs: Pole signs, Off-site Advertising and Portable Signs

Screening:

Opaque screening shall be required along all residential and AO zoning districts. The required screening shall be constructed of wood, masonry, live plant material or a combination thereof. The screening must be a minimum of six feet in height.

Landscaping:

- A minimum 20' landscape strip shall be required along all property lines adjacent to residential zoning
- A minimum 10' landscaped strip shall be required along all street right-of-way. Sidewalks and driveways shall be permitted to pass through this buffer.
- Parking lots of greater than 20 spaces shall have landscaped islands at locations agreeable to the City of Abilene.
- Additional landscaping shall be provided in a manner to be agreed upon between the City of Abilene and the developer through the Site Plan Review process or its successor entity. If agreement can not be reached, the developer may apply for a formal PDD amendment.

In Tracts 1 and 2 internal streets shall be provided in compliance with the City of Abilene Thoroughfare Plan.

TRACT 3: The south 500 feet, and lots 201, 202, and 203, Block C, Medical Plaza Subdivision, Lot 3 Block B, Medical Plaza Subdivision, and lot 102, Block A Medical Plaza Subdivision as shown in "Exhibit B"

Lots 201, 202, and 203 shall be developed to the standards set in the Residential Medium Density (MD) zoning district as shown in the attached concept plan

The remainder of tract 3 shall develop in accordance with the residential Patio Home (PH) zoning district as shown in the attached concept plan.

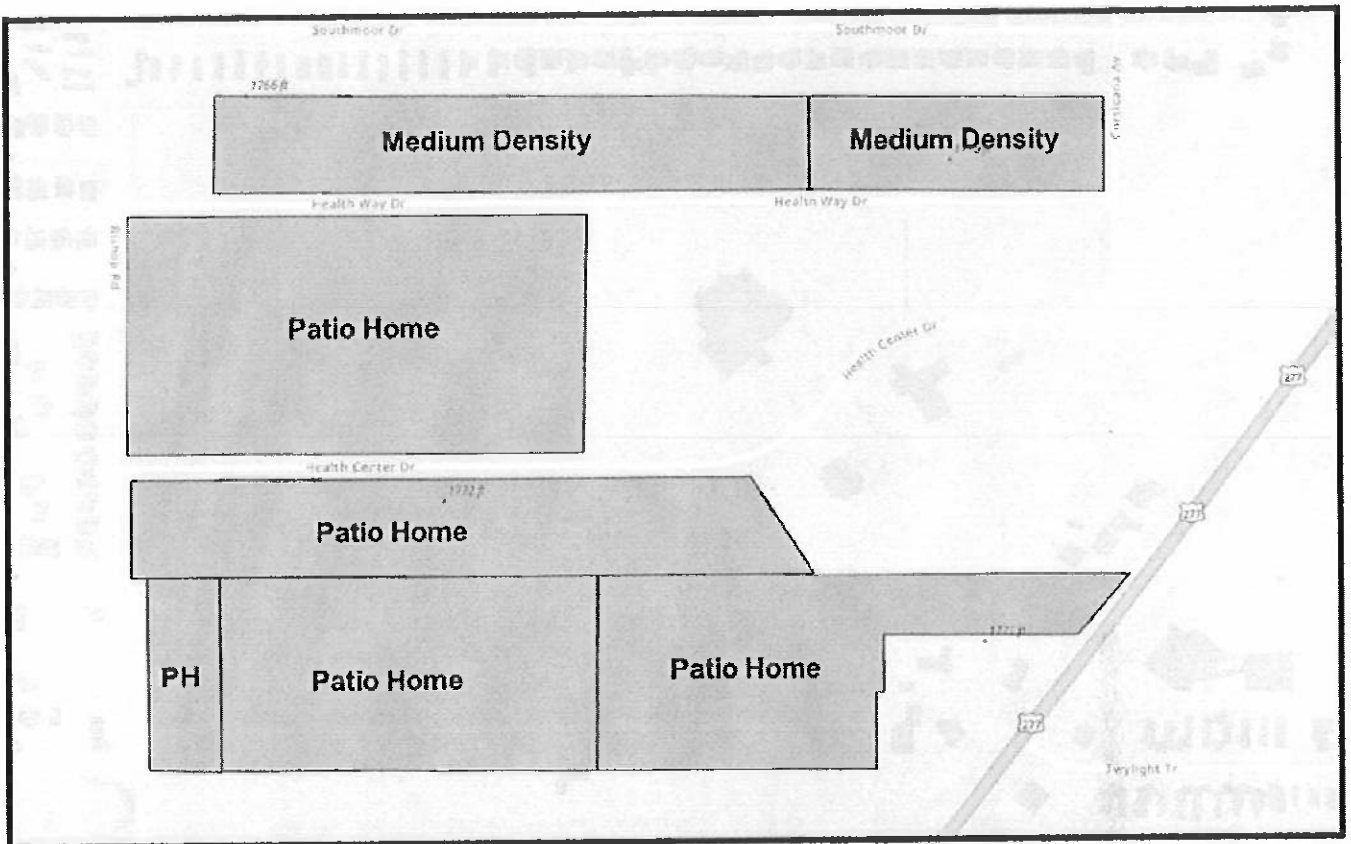


EXHIBIT B



END